

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:06CR719

Plaintiff,

v.

ORDER

Mohammad Zaki Amawi, *et al*,

Defendant.

This is a criminal case in which the government has filed a motion for entry of a protective order regulating the dissemination and distribution of photographs or other depictions of a government witness. The government expects to provide such materials to defense counsel during the course of pretrial discovery.

For the reasons that follow, the motion shall be granted, without prejudice to the defendants' right to seek reconsideration or clarification of this order, if such appears appropriate in light of developments as they occur during the course of this case.

The government wants to take what steps it can to ensure that depictions of its principal witness [whose identity is already known to the defendants, and whose identity and photograph have possibly been disseminated by the press from publicly available sources] will not become publicly available. To that end, it desires that a protective order restricting dissemination of the photos be entered.

I agree with the government that the opportunity for completely unrestricted distribution of the photos might pose unacceptable dangers to its cooperating witness and, possibly, other individuals. While I am also confident that no inappropriate distribution would, under any

circumstance be made by defense counsel, it is appropriate to underscore the importance of proper handling of the materials that the defense will be receiving from the government.

It is not the purpose of this order, or of the government's request, to impair the ability of the defense to prepare for trial. All that this order does and requires is to prevent distribution of copies of the photographs to persons other than the defendants, their counsel and investigators, and others materially participating or assisting in the preparation of the defendants' defenses.

Nothing in this order shall prohibit the above-designated individuals from displaying copies of the photos or other images to other individuals, provided they do so in the ordinary course of their work on behalf of the defense in this case.

If distribution of copies beyond the group designated herein is desired, the defendants may seek leave to do so.

It is, therefore,

ORDERED THAT: Any photograph or image containing a likeness of an individual designated by the government as the cooperating witness referenced in the indictment as "The Trainer" shall not be distributed in any form or by any method to any person, entity or organization, except the defendants, their counsel and investigators, and others materially participating or assisting in the defendants' preparation for trial.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge